

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
D.R. an infant by her Mother and
Natural, Guardian, TOWANA
RODRIGUEZ and TOWANA
RODRIGUEZ, Individually,

Plaintiffs,

-against-

SANTOS BAKERY, INC. and WILSON
VILLATENMAZA,

Defendants.
-----X

KATHARINE H. PARKER, United States Magistrate Judge:

20-CV-3628 (KHP)
ORDER

As discussed at the May 15, 2023 pre-trial conference:

The Court, in its discretion, generally precludes counsel from offering to the jury a specific dollar amount for pain and suffering, as is typical in this Circuit. *See Consorti v. Armstrong World Industries, Inc.*, 72 F.3d 1003, 1016 (2d Cir. 1995), *vacated on other grounds*, 518 U.S. 1031 (1996). Any motion by Plaintiffs for permission to offer the jury a specific dollar amount for pain and suffering shall be filed by **Friday, May 19, 2023**. The deadline for Defendants to oppose such a motion is **Friday, May 26, 2023**. No reply will be permitted. The briefs shall each be limited to 8 double-spaced pages in length.

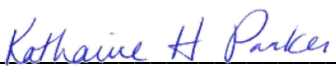
By **Friday, May 26, 2023**, the parties shall file a joint letter that provides the following information:

- Whether the parties agree to a stipulation that the bakery owner is vicariously liable for any damages, as well as proposed language regarding liability of the owner for the Court to include in its pre-trial instructions to the jury.

- Whether the parties agree to redactions for the police report and medical records, and if not, what the remaining disputes are. If the parties do not agree on redactions, they shall include copies of the exhibits with the disputed language highlighted.
- Whether there remain any disputes regarding admission of Plaintiff D.R.'s school records. If there are disputes regarding the records, the letter shall state what information is in dispute and each side's position as to admissibility.
- Whether the parties object to any of the Court's proposed voir dire questions (other than question 17, which was already discussed at the conference and is being revised to reflect that it applies to all parties, corporate and individual).
- Whether any party objects to the Court's permitting the jury to ask questions of the witnesses as described at the conference.
- Whether the parties agree on a verdict form. If the parties are able to agree on a verdict form, they shall submit the joint proposed form to the Court. If there remain disputes as to the verdict form, the parties shall describe the disputes in their letter.

SO ORDERED.

DATED: New York, New York
May 16, 2023


KATHARINE H. PARKER
United States Magistrate Judge